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The Opinion

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## William Mitchell Opinion - Volume 20, No. 1, September 1977

William Mitchell College of Law

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# William Mitchell Opinion

Volume 20

September 1977

Number 1

## Navigating the Curriculum

### Is specialization a must?

by Mike Norton

Prerequisites. Suggested course sequences. Specialization. These are words which would suggest to some students a trend away from general legal education to specialization. The discussion centers around the prerequisites and suggested course sequences outlined in the latest Bulletin, which are the result of the implementation of the newly revised curriculum. The current revision is the result of a year along effort by the administration, faculty and the Curriculum Committee to overhaul the former curriculum. From the student perspective, the problem of rigid sequences, lack of experience upon which to make a decision, and poor registration times could result in a student being locked into a narrow course of study, which does not fit his or her needs, or perhaps worse, being locked out of an area altogether.

Assistant Dean Curt Stine indicates that the new curriculum revision is not an effort by the faculty to force students to specialize. Dean Stine feels that the new revision clarifies past requirements not easily understood before, and actually opens up the curriculum by allowing more students into the basic survey courses. It is Dean Stine's opinion that the revision allows and may in fact, encourage specialization, but does not require it. In the past, students were able to "specialize" by making decisions to concentrate in certain areas by taking the required courses. The same basic choices and decisions will have to be made as a result of the revision. Stine feels that the difference

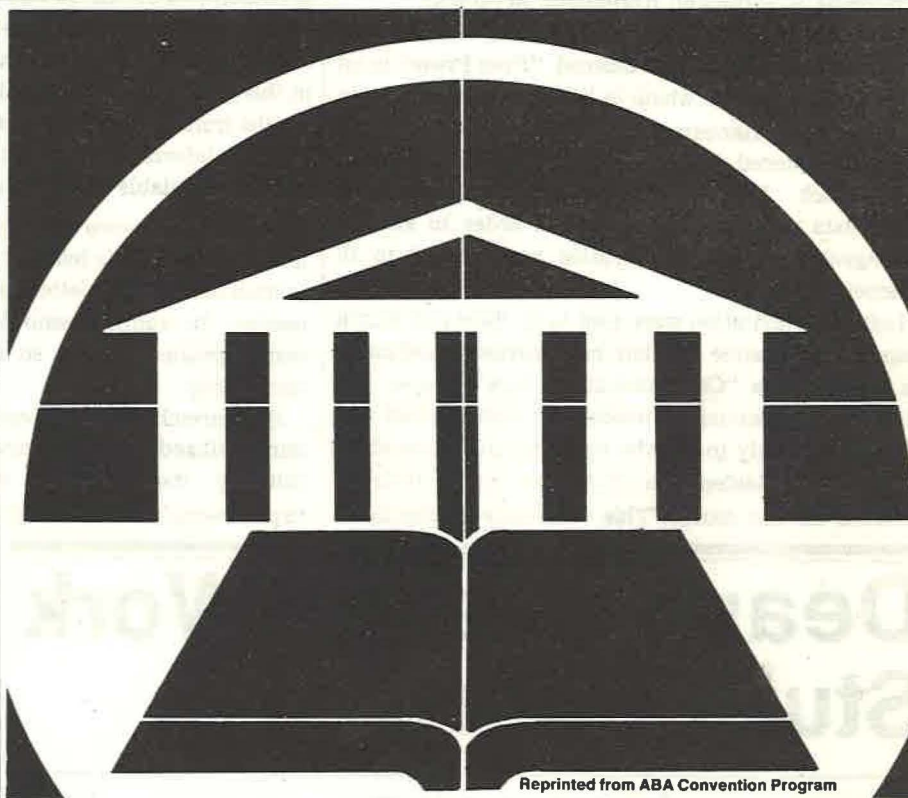
is that students will have a better idea of the prerequisites for an area prior to making those decisions.

With the new curriculum, once a student has taken a basic survey course, he or she is free to further pursue that area or move on to the other basic courses. From the administration's perspective, the new format should greatly benefit the student who can now better plan his or her education with the aid of the charts. It thus seems that while the new curriculum may encourage specialization by students, forced specialization was not intended by, nor is it a result of the revision.

Perhaps the most significant revision took place in the area of prerequisites for the clinical programs. The former Criminal Law Clinic consisted of two hours of clinical experience. After full implementation of the revision, in order to take the two-credit Misdemeanor Clinic, a student will have to first take two credits of Trial Skills and two

"...forced  
specialization  
was not intended."

credits of Criminal Law Problems and Tactics. To take the Civil Litigation Clinic a student will have to first take Trial Skills and Civil Practice Skills. Civil Practice Skills is also required for most of the other civil clinics (those involving client contact). Additionally, Professional Responsibility must be



Reprinted from ABA Convention Program

taken prior to or concurrently with all client contact courses. Thus, in the clinical area at least, the new curriculum is more rigid than before.

This rigidity, however, is not necessarily without merit. According to Roger Haydock, Clinical Professor of Law, the changes in this area were prompted by one overriding consideration: maintaining and improving the quality of the representation of clinical clients. Professor Haydock attributes much of the change in this area to the shifting demographics of the student population to younger, less experience, non-working people. Many of these students simply have had little or no exposure to real life client problems or advocacy positions. As a result, the ability of the instructor to insure that all students received the same basic level of education suffered, as did the quality of the client's representation in individual cases. At the same time, demand for access to the best clinical program in the county greatly increased. A new approach was sought and found in the form of the

revised clinical prerequisites.

Relief came in the form of basic skills courses which are then built upon in later courses without boring some students or losing others, since all students will bring at least a minimum skill level to the clinic. The quality of the clinical experience to the student and the quality of the representation of the client will be maintained at the highest possible levels.

As with many new ideas, there are drawbacks and potential problem areas. The trouble is not with the revised curriculum per se, but rather in the areas of (1) access to the prerequisites, which can be hindered by consistently poor registration times and (2) the lack of experience of the average student with law as a profession. The lack of such experience is magnified by the fact that there is no provision for affirmative career counseling as part of the revised curriculum.

The administration does seem to be aware of these and other problems.

Continued on page 8

## Wahl Gains High Court Bench

### Minnesota gains Justice; Mitchell 'loses' friend

by Karen Shimon

Rosalie Wahl, ex-Clinical Professor of Law at WMCL, will take her place on the bench of the Minnesota Supreme Court within the near future.

The announcement of her appointment as a Justice was made by Governor Rudy Perpich on June 3, 1977. She will fill the vacancy left when Associate Justice Harry McLaughlin succeeds to the place of retiring Judge Earl Larson on the U.S. District Court bench.

With her ascension to Minnesota's highest court, Wahl will not altogether sever her ties with WMCL. The current

school Bulletin continues to include her name accompanied by the title Special Faculty Consultant and Justice Designate. Far more than this description would indicate, the aura of professionalism which surrounds Wahl will linger indefinitely to inspire students and faculty alike. To those who have had the privilege of working with her, Rosalie is truly a "professional."

"Rosalie" is what she asked them to call her. "Them" is not just her colleagues, the professors and the then members of other benches, but students too. One student recalled that he nevertheless called her Professor Wahl out of deference not to the status of her

position, but out of respect for the kind of person she is. He described her as "a very whole person who really made you work."

"You worked not out of fear of her wrath, or to get an 'A,' but you did as good a job as you could to make it worthy for her to put her name on it."

She's just that kind of person. She'll look you directly in the eye, ask you a question that instantaneously makes you aware of your own foolishness, and then chuckle heartily. She's not laughing at you; she's sharing with you the commonality of the human experience

Continued on page 4



Rosalie Wahl



## Free Press Course

A very interesting course entitled "Secrecy, Privacy and the Free Press" is being offered this fall for the first time and promises to be a unique educational experience for those who are able to participate. The secrecy that seems to surround the new course offering is puzzling to some and frightening to others.

The method used to choose the ten students to take the course left something to be desired. "Free Press" is an experimental course which is being taught by Norton Armour of the Minneapolis Star-Tribune and developed and administered with the help of Professor Douglas Heidenreich. The course is interdisciplinary (four journalists will participate) and in order to keep it manageable in size, registration was limited to 10 Mitchell students.

Letters of invitation were sent to 30 third and fourth year students, some of whom had previously indicated an interest in a "Communications Law" course. We attended the meeting to which they were invited and learned that only those who received letters could be considered by Heidenreich and Armour in their choice of students for the course. This seemingly surreptitious

attempt to circumvent the normal registration procedure was met with surprise and disappointment by many students. By limiting the candidates to those students Professor Heidenreich personally knew of and the course, he appeared to be ignoring the possibility that there were other students he was not aware of who were interested and eager to work in this field. Concerned that such a procedure could set a dangerous precedent, we discussed with Professor Heidenreich his rationale and our objections.

Heidenreich pointed out that the procedure followed in this case did not materially differ from that which results from a "permission of Instructor" prerequisite. He also informed us that the mailing was the only method available to find 10 interested students.

This because the course concept was not fully developed until late spring. He felt that it was not worth his effort to mail out 300 such letters when only 10 students were needed. In addition said Heidenreich, it would be inappropriate to raise so many people's hopes unnecessarily.

Heidenreich does not hesitate to say that the standards utilized by Armour and him were subjective. Admittedly, the nature of such an interdisciplinary, experimental course suggests the need for a more

flexible, subjective system of registration. However, we maintain that future situations such as this should be handled with more concern for the rights and interests of the student body.

Specifically, we would suggest that all eligible students be notified in advance of registration that the course is being offered to a small select group. Each student should be given an opportunity to submit to the instructor a short summary of his or her background and interests as they relate to the subject of the course. This, of course, assumes that the students be notified even though the course organization is not completed before spring semester has ended.

The argument be made that no instructor would be willing to read and consider 70 to 80 "resumes". However, if Professor Heidenreich is correct, this may not be a problem — at least with "Free Press." He predicts that the course will go the way of the Products Liability Seminar; the waiting list will shrink as more students become more aware of the amount of work required in the course.

Ultimately, the choice will necessarily be the instructors'. But at least it would be based on factors other than personal familiarity with the student and his or her interests.

## Deans Change Work Study Policy

Assisting professors a priority

by Loretta Frederick

In early August four out of the seven members of the Work Study (WS) Committee were informed by the Administration of a major change in its policy on Work Study fund allocation. Deans Burton, Stine and Green, who sit as the three other members of the Committee had decided amongst themselves in February that this year's Work Study money would first be used to provide student research assistants for professors. The new policy signalled a radical departure from last year's procedure whereby WS funds were used both internally and externally.

Walter Anastas, chairman of the Committee, Peggy Reihm, Financial Aids Officer, and the two student members, Jim Morrow and Pat Maloney, were notified in August of the new policy. The employers who are usually allocated a few WS positions; the Attorney General's Office, Legal Assistance of Ramsey County, Minneapolis Legal Aid among them, had not been informed of the change. Neither had the students who had received letters confirming their eligibility. None, except the deans and professors had any reason to believe that the funding would first be used to pay in-house research assistants. It was after the rest of the committee were informed that the rumors began to fly.

Most eligible students anticipated that they would be able to find jobs with various WS employers outside the school. Some had actually started at such jobs under the assumption (shared by the employers) that their minimal wages could be supplemented by WS funds.

The overall picture was one of confusion and uncertainty. The issues of whether WS posts would be limited to in-house research assistants, the number of researchers needed, the number of weeks per grant, and the possibilities for employment outside the school were all unresolved until Mon-

day, Aug. 29. When asked for the reason behind the six month delay in publicizing to the rest of the Committee and the school their decision, Dean Stine answered that it was on account of the fact that "the Committee hasn't met since February."

The dearth of information available to the students and former WS employers gave birth to an abundance of rumors and misunderstandings. Conclusions drawn were necessarily based upon the little information that it was possible to obtain. On of the results of this situation was the loss of several qualified students from the program. Since it appeared that the choice was between assisting a professor and dropping out of the program, some students decided that they would rather take their chances with the regular job market and lenders to pay for their education this year.

At least two of the outside employers who have hired WS students in the past expressed their disappointment in the apparent trend away from the law school's support of these publically-funded organizations. In letters addressed to Deans Burton, Stine and Green and to the WS Committee, Legal Assistance of Ramsey County and Minneapolis Legal Aid appealed to the administration to reconsider. They reminded the Committee that their organizations could provide both a practical legal learning experience for the student and a valuable service to the community. Dean Stine responded that the use of students as research assistants would benefit the whole student body rather than merely the student involved.

Many of the problems are a result of the cut in WS funding that was experienced by other institutions. With fewer positions forth-coming, Dean Burton felt that the school was justified in "satisfying internal needs first."

Last year the number of WS positions allotted to the school itself was six. Dean Stine expressed concern that last year's narrowly averted loss of funds not



The new *Opinion* Editorial Board is: Editor-in-chief Loretta Frederick and associate editors Michael Norton and Bill Orth.

happen again. Apparently, the school had trouble last year using the jobs and hours up by the deadline. This was serious because WS funding is a "use it or lose it" type of program.

This year 32 applications were received by the Financial Aids Office for the available positions. Until the WS Committee meeting Aug. 29, it was not clear how many jobs could be funded. Since the funding was cut this year, Dean Burton had been soliciting support from private sources. A significant amount of money has been so obtained and the decision was made that WS could fund 24 positions, only two less than the previous year.

Since only 5 positions had been used for research assistants by Aug. 25 (the professors' deadline) the remaining 19 positions will be offered to outside employers as usual. There have been requests by these organizations for a total of 26 positions. Because 6 students dropped the program when they heard that their only choice was to work for professors, 19 students remain to fill the 19 funded positions. Therefore, anyone

qualified who hasn't withdrawn is funded for a position and has a job if hired by one of the employers.

The list of possible employers includes the Ramsey County Attorney's Office, Hennepin County Attorney's Office, Hennepin County Public Defender, Department of Vocational Rehabilitation, U.S. District Attorney, MPIRG and ZPG.

In the final analysis, the picture looks bright for those who applied and were eligible for WS this year. But the problem of the failure of the Deans to communicate to the rest of the Committee or the students remains. Several students and outside employers were forced to make totally uninformed decisions a few weeks ago because of this breakdown in communications. It is a serious situation when WMCL risks its good relationship with the legal community merely on account of a communications breakdown. And it is even more serious that the students for whom and by whom the program was designed were kept in the dark as the questions were raised and decisions were made.

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# SBA PRESIDENT'S COLUMN

It's September and the "fall" semester is upon us. For those of us who attended summer session the brief respite left barely enough time for us to catch our breath. We turned around only to find pre-season football and department stores rushing the season ahead.

During the summer months your Student Bar Association (SBA) underwent a reorganization. We are now operating under a revised constitution and bylaws, and have incorporated as a Minnesota Nonprofit Corporation under chapter 317.

Over the summer we have developed a good working relationship with the faculty and administration. At the suggestion of Dean Bruce Burton, regular monthly meetings have been established between members of the SBA and the Deans of the College. The SBA and administration are planning to work together on drafting a new faculty evaluation form to be used this fall.

For the past year the SBA president has served as an ex-officio member on the Board of Trustees of the Law School. At a recent meeting the full-time faculty members voted to allow two students to be represented at regular faculty meetings. There is no doubt that the increase in communication on all levels will greatly enhance the relationships between all members of this academic community.

Since the beginning of our term in office our primary objective has been to afford students greater access to their student government. In the past students have viewed the SBA as some nebulous organization which was often sought but seldom found. With our formal take-over and expansion of the used bookstore we have moved the SBA office adjacent to the bookstore. The SBA has hired someone on a part-time basis to manage the bookstore and coordinate the various services and activities which we sponsor. The office will be open regularly throughout the year and students should check the SBA bulletin board to find out what programs are developing.

Some projects still in the planning stages include establishing relations with the local bar associations and the ABA Special Committee on Youth Education.

## SBA Now a Corporation

### Improvement couples with reorganization

by Albert Bonin

We are also in the process of setting up a program to familiarize students with the computerized legal research terminals Lexis and Westlaw.

A larger more comprehensive Client Counseling competition encompassing both semesters is also being developed. Last year the SBA contacted two inner city high schools and obtained ten hours of class time with 11th and 12th graders to conduct lectures and discussion on Street Law. We hope to expand this program to include more high schools.

The Saturday seminars will be continued and are being structured with the hope of receiving C.L.E. (Continuing Legal Education) approval. If approved, attorneys who attend these seminars may fulfill some part of their requirement to keep abreast of changes in the law.

A more active extra-hour line up is being planned for the fall. Prof. Rosalie Wahl, recently appointed to the Minnesota Supreme court, and Mr. Denis Opsahl, former special Council to the state and national Democratic Party will be here to speak sometime in October.

This year the SBA will increase the number of services it offers to students. In the near future small emergency loans will be made available, a typing and legal research service, a group health insurance (other than the plan offered by the ABA) and a housing directory. The renting of lockers will begin shortly after the semester commences, at a date to be announced. Unfortunately, however, there are not enough lockers



Albert Bonin

available to accommodate all the students. In addition, the student directory should be completed by September.

Our social calendar, which already includes softball, football, golf and racketball, has been enlarged to include a volleyball and chess tournament. A trophy case is being purchased by the SBA and will be built into the wall near the main bulletin board. The trophy case will display the academic honors that have been bestowed on our students and the college throughout the years. It will also house trophies won for athletic achievement.

The fall smoker has been scheduled for Friday, October 7. In addition a three-law-school party at Coffman Union on the campus of the University of Minnesota is being planned for the latter part of the semester.

If any students or faculty members are interested in becoming involved in any SBA activities or have any suggestions for further projects that the SBA might undertake please contact me. The SBA meetings, as always, are open to everyone. The next meeting is scheduled for Wednesday, September 7, at 8:30 p.m.

For the next issue of the Opinion I've asked each SBA representative to write a column describing what individual programs they are working on and what their plans are for the coming months. Our success and the continued growth of William Mitchell is dependent on a concerted effort by each of us to lend an ear, and offer assistance to one another wherever possible.

I wish everyone a great year and look forward to the opportunities that lie before us.

## LETTERS

Elitism is at best a loaded word. However, the worst of what it can mean is evident here at William Mitchell.

One of the most obvious examples came from the Administration, which, some, if not most, would expect; the other from the Student Bar Association, which some would least expect.

First, a professor, with the blessings of the Administration, made a list of "special" students to invite to take a "special" class. What criteria was used to establish that "specialness" has not yet been made public. A letter was sent to the "chosen" to allow them to "preview" what is to be in the course and they were told that only those invited to the "preview" would be allowed to take the course. The Administration made it appear that all of us could take

"Privacy, Secrecy, and the Free Press," but in fact the chosen few had already been screened and all the slots filled.

Some pertinent questions for the Administration are how and why only certain students were chosen. Are we to expect more of this type of elitism? What criteria is set and by who? Finally, why should all of us be expected to pay, directly or indirectly, for only a few prechosen people to take a course all of us should have an equal chance to take?

The second example of elitism is even more disturbing.

The Student Bar Association's Board of Governors has broken not only its own by-laws, but also its fiduciary duty to the students it claims to represent.

Special treatment has been given to two members of the Board, who possibly have the least number of students as a defined constituency than any other

member of the Board: the OPINION editor and the LDS representative. Both members felt they should be able to attend the ABA Convention in Chicago at your expense. The LDS representative, who has a separate budget to pay for such excursions, went so far as to expect and get the Board to pay his airfare from Wisconsin. He was down there attending his girlfriend's high school reunion and felt it was "reasonable" for the Board to cover the additional expense. The LDS representative, Chris Sitzmann, with Board President Al Bonin as his spokesperson was able not only to get airfare but also "reasonable" costs of accommodations. It is interesting to note that Sitzmann has one of the worst attendance records for this summer's meetings.

The by-laws state that each expenditure must provide a "substantial benefit" to the student body as a whole.

Most of the SBA expenditures can be seen as a "substantial benefit" since they are of general nature. All students can attend or use the services if they so choose, eg. smokers, sports activities, the Used Bookstore, etc.

There was no substantial benefit to the students of William Mitchell as a result of this expenditure; there was no benefit at all. If the fees hadn't been forced from you, I doubt that the Board could have raised the money by voluntary contributions. It is also interesting to note that the Board consistently voted down efforts to provide an egalitarian basis for any expenditure for trips open to all students who would choose to attend conferences or conventions.

The SBA has been called a rip off in the past; this time they more than deserve the title.

Steve Rowley

### Editor's Reply

Since this letter makes some serious charges, we would like to deal with the issues it raises, but only after clearing up some misunderstandings. First, contrary to the allegation contained therein, the LSD does not and never has reimbursed students or funded any trips to the annual meetings. Second, the LSD representative's total flight expenses were actually \$9 less than they would have been had he flown round trip from St. Paul. An itemization of hotel and accommodation expenses incurred by the SBA for both the representatives to the convention will be made available to any student who wishes to examine them. Finally, it should be noted that while the SBA generally sends the SBA President to the convention, this year's President came to the convention at his own expense.

The national ABA-LSD convention has been attended

annually by the SBA for several years. Benefits to the student body that result from attendance and representation of WMCL may appear to be indirect, but are substantial. The purpose for sending the OPINION editor is three-fold. The law school newspaper competition results are announced at the convention and the OPINION has won Outstanding Law School Newspaper awards in its division in two of the last four years. Press releases and seminars provide the paper with a wealth of material and ideas for the following year's issues. And the editor is afforded the opportunity to engage in valuable interaction with other editors and staff gathered at the convention.

Well-deserved recognition heightens the prestige of the law school and thereby benefits the students individually. WMCL has not only been recognized for its newspaper, but also for its SBA and LSD activities. The

been appointed Lieutenant Governor of the law schools in the 8th Circuit and has received the coveted Silver Key Award for outstanding service. He has been one of the most active members of the SBA Board and has instituted several programs such as the Client Counseling Competition and Street Law. The LSD representative casts WMCL's vote in the election for National Officers.

It should be noted that the SBA Board of Governors have established a policy on convention allocations. It permits any student to be reimbursed for registration fees only for a convention or seminar which has been approved for this purpose by the Board. The ABA-LSD annual meeting was expressly excepted from this general rule and remains the only event for which the SBA will consider reimbursing students for transportation and accommodation costs incurred.



# WAHL

Continued from page 1

in all of its oft-times ludicrousness.

Students who are otherwise frequently and painfully made aware of their lack of knowledge in law school value the privilege of having worked with Wahl. She spares you the pain. Students describe her as "tactful," a word which is seldom if ever used to describe lawyers; much less law school professors. Yet, she is extremely thorough, a whiz at organization and a champion at marshalling arguments. A student who worked under her tutelage in the appellate clinic which she directed said he'd never worked so hard in any other course.

"She had a genuine concern for the criminal client; because SHE was so concerned, you found yourself equally concerned, and you tried to do the best job you could. She wasn't ever overwrought with nervous tension like a lot of criminal lawyers I've seen. She was always deceptively relaxed and a lot of fun. But she wasn't ever relaxed in her attitude of putting together the best appellate brief we could. There was never any possibility of doing anything less than the best. It was her superb sense of humor that made that kind of hard work fun."

"I probably will go on saying 'wow'."

If you sense that Wahl is a genuinely down-to-earth person who is completely lacking in pompousness, you're seeing the Wahl that those here at Mitchell have come to know and love. Will she change?

Rosalie Wahl is concerned about not changing. She thinks "there's a tendency for anyone who sits on the bench, like anyone who has been vested with some authority and some power, to misuse it. Having that power," she says with remorse, "can change you. More than image, it's what can happen to you as a person exercising power that's a personal concern of mine. I know enough about myself as a human being to know that . . ."

"To me, the worst swear words that you can use about a judge are 'arbitrary and capricious,'" says Wahl. "That's a tendency that anyone of us would have to guard against. When you see the retinue coming, it's like — opened doors and everyone polite — well, it can go to your head. I think the important thing to remember is that 'it' can happen to you; you're not all that great."

In retrospect, though, she now finds herself giving greater thought to what she says and how she says it. Recalling the newspaper account of her reaction to the announcement at the time it was made, Wahl says, "I was answering questions pretty straight as far as I as concerned and I realized when I read Carol Lacey's article (St. Paul Dispatch, June 4, 1977) that I had been very impromptu."

She admits that she had been quoted precisely, however. "I had said 'WOW — that's my court — why not start at the top?' I said it. That's maybe not the kind of thing that as a justice you would consider saying. But, that's me; I probably will go on saying 'wow'."

"Image changing is one of the things I've had a concern about because I'm concerned about doing a really good job — a professional job — on the Court. But, doing it in my own way, not being somebody else's idea of what a justice is, because I want to be myself. I want to go on being myself and I want to go on being a growing self in a lot of ways."

Wahl "hates to see a sloppy job done

anywhere" and if there's anything she would want to emulate, it's excellence. "I think any person in any public place has some sense of appropriateness, but for us as women it's important to think, and to KNOW, that we can be ourselves without trying to emulate somebody else, ordinarily a man, because they're the only ones we've seen doing these things."

As for Wahl being the first woman on the Minnesota Supreme Court bench, she seems much of the sensationalism over her appointment as directly attributable to that fact. But she hopes "that as soon as possible it would switch to, 'I care about how good your legal mind is.'"

Rosalie Wahl is a professional who, all agree, richly deserves the appointment. She believes, though, that "the reason I'm there has a lot to do with the kind of efforts that people in the women's movement have made. I DON'T consider that I'm a representative of those groups, or that I'm a representative of

a laugh and obvious bemusement; "Well, I think I've never had the goal of being on the highest court of the state!"

But her goal has always been to be a good lawyer, and she believes "that in order to be a good jurist, you have to be a good lawyer initially, in the sense of being able to isolate the issues and look at the facts." And, part of being a good lawyer has meant looking at those facts and articulating the issues within a prescribed perspective.

"What I've been working to do is to train students to be advocates. Lawyers, and particularly law students, start analyzing a case they have and sometimes before they've finished reading it, they decide they don't have a case. Well, you can't do that; YOU aren't the judge. The judge is going to weigh how good your case is; you don't have to. Well, you consider those things, but you analyze your case and you put forward every argument under the law and the facts that you can put forward and you support it with all the evidence

a point that makes a difference."

There's something about Rosalie Wahl, the person, that leads anyone who has seen her in action to the firm conviction that having Rosalie Wahl on the bench WILL make a difference. One of her students expressed his belief that Wahl's criminal defense background was "just what the court needed," and in light of the present makeup of the Court, expected to see a lot of dissenting opinions from Wahl.

But as she herself says, "this is the best of all possible times; you know, before all the hard work begins and before decisions have been made that people will be feeling critical about."

Wahl expects criticism of some of the decisions and positions which as a Justice she will be endorsing. She like to tell the story of Justice Louis Brandeis of the United States Supreme Court and how as a liberal and as an advocate of the public interest, he sometimes nevertheless decided cases in a manner seemingly contradictory to his reputation. Occasionally, she anticipates, her stance on a particular case may cause the people who initially supported her to think, "Yikes! What's this person doing? BETRAYED!"

Seeing her own personal viewpoints come to fruition is not what is most important to Wahl. "It's the process of being involved and having some input that is going to be important to me. I don't have any goals in the sense of wanting to see this or that particular policy adopted."

The new justice also doesn't think she'll spend too much time being concerned about whether the United States Supreme Court will be reversing any decision she might make. "I think that you try to decide what would be right in the case at hand, and the Supreme Court might very well decide to reverse it; I don't know . . ."

At that point her voice trails off in thought and the gleam of battle renewed returns to her eyes. Rosalie Wahl is in the habit of fighting against the odds. "So much of my practice" (in the criminal appellate area), she says, "has been case after case after case that's just not a case that's going to be reversed. You don't start out with the assumption of winning." But still, she admits, "There's nothing like winning."

Looking obviously startled when asked why she decided to go to law school, Wahl chuckled and said, "Well, it wouldn't be a very good idea, I guess, to say I had to do SOMETHING. They

"...the worst swear words...about a judge are 'arbitrary and capricious'."

say when Shakespeare was asked why he wrote Hamlet, he said, 'Well, it's a living'."

She's not blatantly aggressive, nor overtly competitive but she is a serious-minded person who doesn't believe in taking herself seriously. When she was in the process of deciding whether or not to go to law school, she quoted this poem as having come to her at the time and as being decisive in the deliberation:

**On Considering the Advisability of Studying Law**

That one,  
Who would through thistles pass,  
Needs shoes; Else barefoot . . .  
Stay on grass.  
With what Wahl calls a "very simple way of looking at it", she sees "the thorny issues of society in that way, and the law as being the kind of shoes you need to get amongst them."

Continued on page 5



Rosalie Wahl among friends at University Club Reception.

the feminist perspective. I'm aware of the issues and the problems, but I will NOT consider myself, once there, THE WOMAN MEMBER of the Court.

"My position is more, as far as lawyers are concerned, that I'm coming from a defense point of view, which to some people is every bit as bad, or worse than, coming from a feminist point of view!"

"As far as I'm concerned, they're both a matter of human values and looking at things from the point of view of people who have been unrepresented, who are often powerless, and who haven't had adequate representation or advocacy. Unless you know what happens to people like this, or have experienced it, you're coming from another angle and you're leaving out a lot of the human element that has to be a part of even the dullest kind of legal case."

When asked if she anticipated that the bench would offer to her a greater latitude in the exercise of her professional goals, Wahl answered with

and all the law you have and the Court will decide." Wahl says she's "going to enjoy seeing it done." And while she is going to be on the other side of the bench, a spot where her background and experience will certainly enhance her appreciation of good lawyering, she won't altogether cease being an advocate herself.

Because of the appellate nature of the Supreme Court, "there's a lot of discussing and advocacy and arguments because different members of the court will be impressed differently by the briefs and by the lawyers' arguments and by their own experience. It's the decision of the 'the Court' that comes down. That's a process; a process that I look forward to."

Most of all, though, she's looking forward to "being right in the heart of where decisions are made. For anybody who's concerned about legal problems or societal problems, there has to be something very satisfying about the possibility of being able to participate at



# Peggy Riehm Heads Placement

New director anxious to serve students

by Mike Moriarity

William Mitchell's new Financial Aids Officer and Placement Director is an enthusiastic vivacious former legal secretary who, though inexperienced, is quickly learning the dollars and cents of her new job. She is Peggy Riehm who was employed last legislative session as the Committee Secretary for the Education Division of the Minnesota House Appropriations Committee. Before serving at the House, Riehm was employed as a legal secretary with Dean Marvin Green's former law firm of Fallon, Faricy, Green, Battis and Wolf.

Riehm had just enough time to assume her position and attend the summer convention of the National Association of Law School Placement Directors when she was swept into the world of loan forms and deadlines. Almost 300 students have initiated loan applications for this school year, and with 3 copies of 2 forms required for



Peggy Riehm

each application the pile of paperwork soon grew higher than a stack of first year books. Through it all, Riehm was able to maintain her cheerful disposition, though she did confess that she was happy that the initial crush of loan forms has begun to diminish.

## Continued from page 4

She reminisces that it was more her realization "that it was as far as our society goes, a really central body of knowledge and occupation, than that I knew a lot about the law in its technical sense, or that I wanted to, or that I knew how dull some parts of it could be."

The "thorns" with which she has chosen to deal during most of her legal career, to this point, are those of the criminal defendant in the judicial system. Her high standards of excellence in the clinical program have been widely touted by colleagues, students, the bench and past clients. In large measure that success must stem from Wahl's "conviction that everybody has a right to adequate representation, whether they're guilty or innocent."

Wahl believes that "where you can't afford your own counsel, where you can't choose your own counsel and you have to take what's given to you, then there's an even heavier obligation on those that provide counsel to do the best possible job." Her aim was "to give every person that kind of representation

that they hopefully would get if they had all the money in the world and could hire anybody that they wanted to." Her original goal was to represent these clients both out of "concern for the rights of that individual and also just pure professional competence."

"I just really want lawyers out there that people can trust. When people go to them, they should know that they will consider the legal issues, that they can do a really good job for them, and if they can't, that the lawyer recognizes it. Not everyone can, or wants to handle the pressures of being a trial lawyer."

Wahl has not only handled those pressures with no visible scarring and no jaundicing of her ever-present altruism, but she has juggled the often competing roles of parenting and lawyering with aplomb. "There's no question that it's really hard" she says, "but I don't think that the roles need to be conflicting. I think all parents have to be aware of the fact that their children don't really need them all the time. I think some of the most oppressive parenting is done by the ever-present

Riehm's impressions of WMCL are good. Since she was required to interview each loan applicant she has been able to meet many students. She called these meetings "delightful" explaining, "Students invariably have a smile and are extremely patient with me during my learning period. They are the kind of people that you really want to work for."

During her "learning period", Riehm, who does not have any placement experience per se, has been relying on much of Dean Marvin Green's leadership. (Green is the Assistant Dean in charge of Placement and Alumni Relations.) Riehm doesn't feel that the lack of "placement" experience will be a detriment to her as she has worked extensively with lawyers, judges, legislators and the general public.

Riehm believes that placing students in positions they will find satisfying

must be the first concern of her job. She hopes to contact as many law firms, corporations, and other agencies as possible to let them know of the school and of the many qualified students available for employment, and to encourage the use of on-campus interviewing facilities. She had hoped to have a mass mailing prepared for this purpose but due to the number of people applying for loans she has found her time limited.

She has had time to compile the preliminary report of placement statistics for January and May, 1977 graduates. These statistics will help analyze trends in the job market, however, due to the close proximity of the survey to the graduation they are not as accurate as later revisions will be. The final report will be printed in the Opinion when released.

## PLACEMENT STATISTICS

(8-17-77)

	JAN. 1977	MAY 1977
Total in graduating class: .....	96 (00 pct.)	148 (00 pct.)
Total responding to survey: .....	83 (86 pct.)	114 (77 pct.)
Employed: .....	52 (54 pct.)	43 (29 pct.)
Employment status unknown: .....	13 (14 pct.)	34 (23 pct.)
Not employed in law related positions: .....	31 (32 pct.)	71 (48 pct.)

parent. It's kind of a myth that we have, you know, that in order to do the best of all possible jobs we have to be there all the time."

There she goes again decapitating myths and daring the confines of a stereotype. With unflagging compassion and conscientiousness she never ceases being a unique, assured but self-effacing person with that kind of wisdom that makes good old common sense.

She's a good person. She's a good lawyer. And she knows how to make a good Summation:

"I would hope that it would be possible to be as consistent as I can with the values and with the legal ideals that I have, but I know that there are going to be times when that may be misunderstood by the people."

We'll miss you, Rosalie Wahl.

## Legal Malpractice

Attorneys fast becoming likely targets

Malpractice suits will be filed against 8 out of every 100 practicing lawyers nationwide in 1977. Speaking to an assembly of lawyers attending the ABA annual convention, Douglas R. Slain, editor of **Professional Liability Reporter**, warned that, in his opinion, the "only way today's graduating law student can be sure of avoiding a malpractice suit during his or her lifetime is not to practice law."

Slain, himself a lawyer, noted that while a doctor's liability for malpractice can result in a several million dollar award, a lawyer's liability can be geometrically greater. By way of illustration, Slain pointed to a \$100 million malpractice suit which may soon be filed against a major New York law firm. Additionally, several law firms throughout the country are each presently facing more than 30 separate, unrelated claims for malpractice.

Slain also announced the results of a recent subscriber poll taken by his publication. The poll showed that "for the first time lawyers have a greater

professional interest in malpractice suits being brought against themselves than against physicians." Discussing the recently-publicized phenomenon of doctors filing counterclaims against lawyers, Slain noted that such counterclaims rarely succeed.

Faced with the problems of rising cost and declining availability of malpractice insurance, lawyers across the country are taking steps to insure themselves — as many doctors' groups did during the medical malpractice "crisis" of recent years.

Mark I. Harrison, a member of the ABA's Special Committee on Lawyers' Professional Liability, said that bar associations in more than half a dozen states are seriously considering self-insurance of some sort.

According to Harrison, self-insurance is under serious consideration in Maryland and North Carolina; is close to being authorized in Washington; is pending in the California legislature and has been approved in Florida, Oregon and Texas.

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## Welcome Back

### Job Market hints

To all returning students for our second full year on the new campus: Welcome back. I'm sure you'll find some physical changes underway in both the main building and the Legal Education Center (LEC) as well as some new faces among the faculty and new course offerings.

To all the first year students who are just embarking upon the rigors of obtaining an evening legal education: Greetings. I'm sure that the first year anxieties, bewilderment, and time demands will have already become apparent to you even as you are reading this first issue of *The William Mitchell Opinion*.

I have some observations pertinent to the job market. Whenever one talks to attorneys or government officials about "distribution of legal services" one of the first topics is the rather intense work being done in many areas, usually under specially funded projects, to find methods for making legal services available to lower income individuals and families. The chief drive has been to find ways to provide appropriate civil and criminal representation to persons in lower income groups. Much of the activity in regard to certain prospective tenants in our Legal Education Center relates directly to this question. With respect to the career opportunities available for law school graduates, finding a satisfactory allocation of resources for the delivery of legal services to all classes of society is an issue of great personal significance.

However, there is another significant trend with respect to the delivery of legal services quite apart



Dean Burton

from lower income representation that was very forcefully demonstrated at the American Bar Association convention in Chicago. A panel of executives from various business pursuits were asked to comment upon their view of the legal profession and the services it offers to business.

The first, and probably most obvious complaint, was the very high cost of legal services to business and industry. Many of the businessmen felt that these increased costs were due in part to the intensely specialized (and sometimes picayune) attitude of attorneys in handling problems for businesses. One individual pointed out that legal fees had become artificially high because "lawyers, especially in New York City, travel like nuns — in pairs or three at a time." Obviously larger legal fees can be generated when the time clock is running on a "team" of attorneys handling a legal problem for a client, rather than one attorney alone or one attorney plus some office backup staff.

Another complaint about the cost of legal fees had to do with the nature of changes in our social organization. Because business is increasingly subject to governmental regulation and exposure to litigation in many new and growing areas, the necessity for legal services by American businesses is growing intensely. One corporate president indicated that just a few years ago 2 percent of the net income of his large corporation was spent on legal fees and that in 1976 this had grown to 5 percent of net income. Providing legal services to business is a "growth industry" in many respects.

The panel presented a very interesting profile of the type of lawyer businessmen want — and what they do not want. Most of the businessmen wanted to have lawyers who were very skillful on a technical basis but also grasped a strong practical understanding of business, the economy, and how things actually work. There was hostility towards the lawyer who engages in overkill by researching, ad infinitum, some small point which is not material to the objectives of the businessman; the lawyer who gives gratuitous business advice in addition to his legal advice without such business advice having been solicited; or the lawyer who seeks to demonstrate his scholastic abilities and his adeptness at nit-picking rather than seeking to understand the client's true interests and the material business issues involved in a given problem.

Conclusions in terms of the job market appear to be the following:

—The desire of businessmen to find lawyers with a strong feel for the "practical" aspects of problems is very intense.

—An increasing need for corporate counsel and staff counsel with business as businessmen seek to diminish the cost of outside private representation is clear.

—A demand exists for lawyers with strong technical skills in the areas of their expertise, who also understand the difference between legal advice and business advice.

## So They Paved Paradise

### Mitchell puts up parking lot; Ramp and disco abandoned

by Ken Davis

It's there on Summit for everyone to see. The William Mitchell parking ramp has been built despite both major Twin Cities papers dismissing the story forecasting its construction as a spoof. The 12 million dollar ramp has suffered minor restyling as a result of neighborhood sentiment and rising construction costs. The new "ramp" design has left us with a new ground-level lot with a capacity of 104 vehicles, an increase of more than 60 spaces. The proposed bar and disco were abandoned as being in direct competition with the library.

The additional spaces are being allocated among faculty, staff and students. All faculty members, including part time instructors and all tenants of the Legal Education Center will have reserved spaces. The

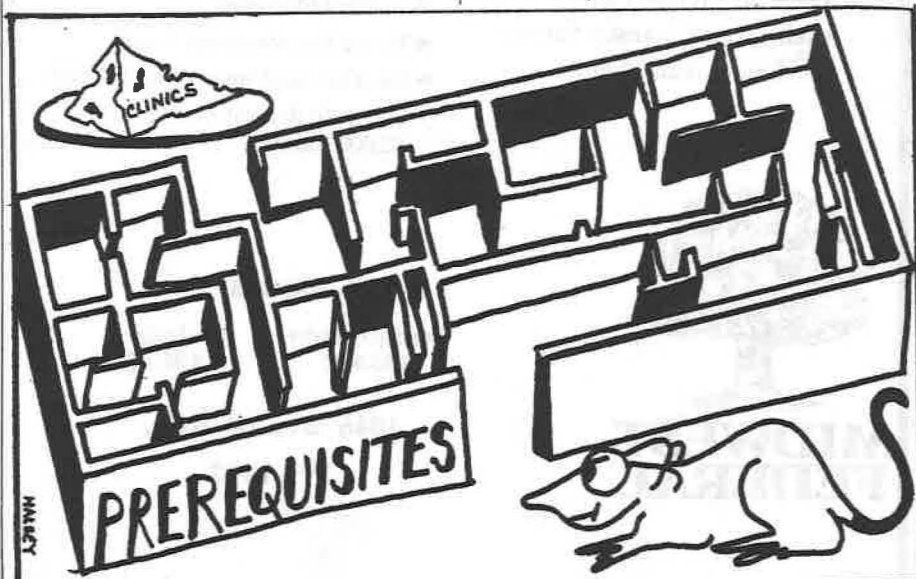
remaining spaces, approximately 59, will be allocated to students as will 36 spaces in the Assembly of God lot. The initial administration reaction was to divide the 36 spaces among the various student's organizations. This position was abandoned and an appeal made to the SBA for suggestions. After considering various proposals, SBA president Al Bonin presented a proposal to the Administration that would provide for a lottery among seniors to distribute the available spaces. The winners of the lottery, which will be conducted in the next two weeks, will win parking spaces in one lot or the other. The spaces will not be transferable from lot to lot or person to person. Those receiving spaces in the Mitchell lot will be able to park after 5:30 every evening while those who are to park in the Assembly of God lot can park every night except Wednesday. The Mitchell lot will be

available for unrestricted parking every evening after 10 and on weekends.

Despite the dissent scrawled on the front sidewalk, it is generally agreed that the new parking lot was tastefully done with genuine concern for the environment. According to Dean Marvin Green, only four healthy trees were removed while the lot was designed around several other healthy trees. The result of the careful designing of the lot cost the school several parking spaces. Six diseased elms were also removed but only after expensive treatments proved unsuccessful in checking the disease. In return the school has planted ten new trees and numerous bushes and shrubs. These plantings, together with the mounds of fernwood chips are a credible attempt to disguise the lot. Other new plantings have been made alongside the school and the LEC building.

Although two negative letters to the editor surfaced in the St. Paul Pioneer Press, Dean Green believes that the neighborhood has accepted the idea of the larger lot. Some community groups, such as the Portland Summit Neighborhood Association and Old Towne Restoration, initially contacted the school but have made no significant complaints and appear to be satisfied that the lot was tastefully constructed. The Minnesota Historical Society has also contacted the school and asked that it be kept advised of any future construction.

Although the increased size of the parking lot has not solved the parking problem, Dean Green believes that a solution is possible. He believes that the answer lies in the use of several church lots, which last year saw only token utilization. These lighted lots have a capacity of 150 cars and are all within three blocks of the school. Use of these lots with a proportionate decrease in residential street parking could contribute immeasurably to the image of WMCL as a responsible neighbor.



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# BAR WARS

by Steve Halsey

1: Long ago, far far away on a distant campus, in another galaxy, Rebel Law Graduates have seized the answers to the next bar exam in a valiant effort to thwart the fiendish plot of the evil Imperial BAR.

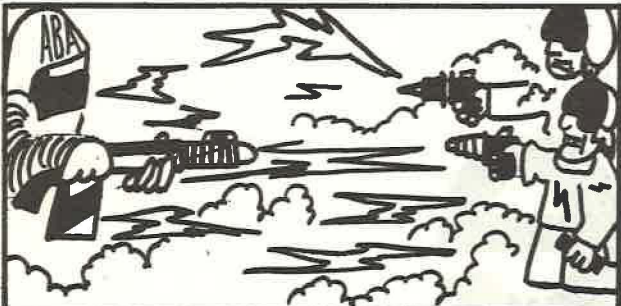
The Imperial BAR has plotted to flunk the entire mass of Rebel Law Graduates on the upcoming bar exam by asking 8 questions about the Rule Against Perpetuities and 8 questions about the Rule in Shelley's Case. By eliminating the Rebels, The Imperial BAR hopes to forever have a stranglehold upon the people, abolish all advertising of their radical beliefs, and render impossible any entry into the exclusive, all-powerful Imperial BAR.



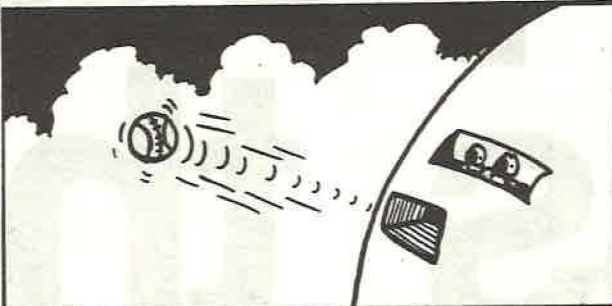
2: The Imperial BAR's "Killer Bar" pursues the Rebels relentlessly . . .



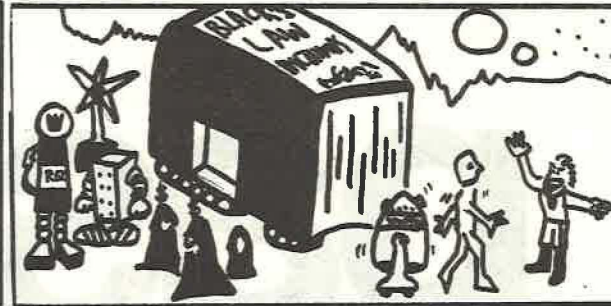
3: Inside the Rebel starship, Princess Lira dictates a frantic plea to an old and dear friend.



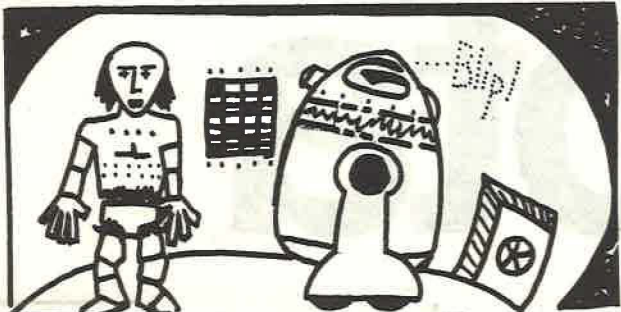
4: Suddenly, members of the Imperial BAR invade the Rebel starship, rayguns and phasers blasting. Rebels put up a valiant but unsuccessful defense.



5: Amidst the confusion of battle, a small craft jettisons from the Rebel starship now enveloped by the "Killer Bar."



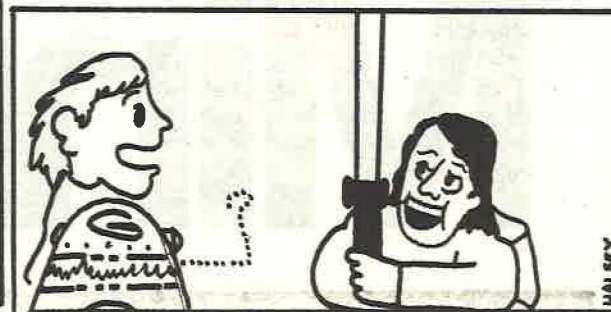
6: Aboard this small craft, 2 Droids, one a computerized professor of law, C-Me-P-O, the other a computerized Gilbert's outline, R2G2, holding in its memory banks the answers to the "Killer Bar."



7: The small craft falls to an unknown planet, where a band of roving junk collectors, SaBA's, capture them and sell them to a young farmboy, Luke Jaywalker, freshman at the Captain Kirk College of Law.



8: While cleaning R2G2, Luke discovers a strange message. The image of a beautiful maiden is projected by the small Droid, her urgent plea simply, "Help me O-Dean-One-O'Douguy, you're my only hope!"



9: Sometime later, after retrieving the wandering R2G2, Luke happens upon a hermit Old Dean O'Douguy. "Luke, my boy, I shall teach you the secret of the J.D. Knights, those valiant men who once upon a time long ago controlled the Bar when it was good, not evil . . . the secret of THE FARCE!!!"

TO BE CONTINUED . . .

## Curriculum

Continued from page 1

Dean Stine sees the school as maintaining a posture of flexibility in dealing with difficult situations as they arise. Professor Haydock noted that it should be possible to absorb every third year student who wants to take a basic prerequisite, such as Trial Skills, by the end of their third year. While timing may be a problem (given the vagaries of the lottery system) Dean Stine indicated that the school will take appropriate action to insure that a student is not completely shut out of an area solely on account of poor registration times.

The problem of career counseling and course selection is a difficult matter. On the one hand, many students have little or no idea which area of the law, if any,

they wish to pursue by the end of their second year. It would seem, therefore, that good advice is a prerequisite to a student's ability to make an informed decision as to course selection. On the other hand, to set up a formal guidance office could be prohibitively expensive given the numerous areas of concentration and the number of students involved. Additionally, there is the practical problem of finding a sufficient number of people familiar with all areas of the law, to staff such an office.

However, it does seem that something could be done beyond merely encouraging a student to discuss course selection with a faculty member, especially where the student has little ideas of where his interest may lie or who to consult. Perhaps a system of advisors for upper class students could be implemented which is similar to that in effect for freshmen. If problems in

these or other areas arise, students should let their SBA reps know of the problem. The administration had indicated a willingness to consider alternative answers presented by the students, along with their criticisms. Some problems, such as the current lottery system, may not have an easy solution. However, at the very least, the administration should be made aware of such problems and students' willingness to help in solving them.

It thus seems that at the present there is no real conflict between those who seek a general education, and those who favor the trend toward a specialized curriculum. While there are more prerequisites in some areas, many more courses have been opened to the student than were available before. While specialization is surely being encouraged, flexibility and freedom to choose seem to remain as before.

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# Law Student Division of ABA Meets in Chicago

LSD rep urges student participation

by Chris Sitzmann

Approximately one-third of the students at William Mitchell are members of the Law Student Division (LSD) of the American Bar Association (ABA). As the school's representative, I attended the annual meeting in Chicago during the week of August 6-10. The meeting centered around two interrelated events; the election of the LSD National Officers for the coming year and the substantive legal programs.

As LSD representative for William Mitchell, I had the opportunity to cast the school's only vote for National Officers. The election is a significant event in that those elected will spearhead the development, maintenance and operation of the substantive legal programs sponsored by the LSD throughout the year. The voting is crucial in that the candidates differ in their knowledge of and preference for various programs. This year an excellent group of National Officers were elected to administer the many programs planned, a few of which are noted here.

1. Competitions in Trial Advocacy, Client Counseling, International Law, Family Law and a host of others. Last year William Mitchell participated in the Client Counseling Competition on both an interschool and regional basis. This program serves to develop student-lawyer client counseling ability. The

students work in pairs and are given a short paragraph statement which briefly describes the "client's" situation. Students are allotted 30 minutes to interview the client and 15 minutes to dictate a memo explaining the case and a proposed course of action. Judges view the interviews simultaneously via video cameras and students have an opportunity to review the tapes afterward.

2. A variety of workshops. For example a Trial Skills workshop was held in Minneapolis last spring with F. Lee Bailey explaining the defense position and John Brink, Assistant Hennepin County Attorney, in the prosecutor's role.

3. Numerous speakers programs. In one program, Robert Wolf, a noted sports lawyer, spoke in Chicago on the intricacies of acting as attorney for professional sports figures (see story on sports page).

4. The Law School Services Fund (LSSF) provides matching grants of up to \$1,000 for projects carried on by law students. For example, at WMCL last year, the LSD sponsored a "Law in the Streets" program whereby students spent weeklong periods at inner-city high schools introducing selected legal topics. Subjects covered included Landlord-Tenant, Criminal, Constitutional, and Family Law.

5. The LSD publishes a national

magazine entitled the Student Lawyer three times a year. All LSD members receive copies and any student may submit articles.

6. The LSD members may obtain accident, health and term insurance at greatly reduced prices from Mutual of Omaha. Premiums for the accident and health insurance for a single person run approximately \$68 per year.

7. The LSD offers memberships in the various sections of the ABA at reduced cost. Generally, for \$3-5 an LSD member may obtain all the journals and publications published by the Section, for example, on Taxation. The student is encouraged to participate in the sectional activities including research and writing. Liaison positions to the ABA Sections are open to LSD members for the purpose of coordinating interaction between lawyers and students in substantive areas. Members of the LSD may purchase a year's subscription to the ABA Journal (12 issues) for a mere \$1.50.

There will be an LSD meeting in late September to discuss programs to be implemented at WMCL. The exact time and date will be posted in the Docket. Please note that membership to the LSD is only \$5.00 per year and application forms are available in the Used Bookstore.

If you have any questions, leave a message at the used bookstore for the LSD representative or give me a call.

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## New 3 Day Orientation

Freshmen speak out

A new policy on orientation was implemented with the first year class in August. In the past, the program offered to incoming students consisted of a three hour combination of large assemblies and small groups. On occasion, students even heard lectures that scared them into making plans to permanently leave spouse, family, and job for a quiet niche in the library.

But beginning this year, the orientation period has been extended to three days. The new program was designed to better prepare the class for the rigors of first year studies. Most important, the period was designed to bring the whole class to a similar level of understanding of the law and legal education.

According to one freshman, nothing happened during the three days that couldn't have been presented in one evening. Another remarked, "I really think it was a total waste of time; but then I've never been to another first year law school orientation." Apparently at least one section started classes on Monday without having learned how to brief cases; a subject that one would expect to have covered in a three-day orientation.

A third student said, "They didn't let us know how to brief cases but they did make us aware of parking rules, the new code of ethics, the seating charts and attendance policies."

The idea of a more extensive orientation program is a good one. Perhaps this year's first year student would be willing to suggest alternative presentations and activities for the next orientation.

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# New Faculty Members



Melvin Bert Goldberg



Phebe Haugen



John David Prince



Christine ver Ploeg

## Full-time professors bring variety and experience

by Bill Orth

The OPINION is happy to welcome four new full time professors to William Mitchell.

**Melvin Bert Goldberg** (Contracts, Administrative Law, Rights of the Confined and Moot Court)

When asked to compare himself with the legendary contracts professor of PAPER CHASE fame, Mel Goldberg responded with a straight face: "I'm younger."

Not too young, though, to have gathered an impressive string of credentials. Goldberg holds a J.D. from the University of Chicago Law School and an LL.M. from the University of Chicago's Center for Studies in Criminal Justice. He was Executive Director of the Cook County Legal Assistance Foundation, Inc., heading a staff of attorneys and VISTA volunteers concerned with welfare rights, prisoners' rights, juvenile law, education rights and police brutality.

For the past five years Goldberg has been Associate Professor of Law at the University of Minnesota and Director of Legal Assistance to Minnesota Prisoners (LAMP). He developed the Legal Advocacy Project, a clinical paralegal training program providing representation of inmates at disciplinary hearings under the Federal Court Order obtained in *Inmate 24394 v. Schoen*, 363 F. Supp. 683 (D. Minn. 1973). Also, he has extensive litigation experience in prisoners' rights and domestic law cases.

Goldberg admits his bias for the "institutional poor": those confined by hospital beds, prison bars, old age, mental incapacity, etc. He sees as one of the law profession's great challenges the delivery of legal services to these people.

Anyone interested in delivering legal services to the non-ambulatory, Goldberg contends, must be skilled in the ways of the administrative agency. (Administrative Law also happens to be a new topic on the Minnesota Bar Exam.)

Aside from teaching Administrative Law and Contracts, Goldberg plans either a clinic or a seminar on The Rights of the Confined. The emphasis will be on the delivery of legal services by corrections, social and educational institutions. Professor Goldberg is glad to be here at Mitchell. He is excited about teaching contracts ("Training in thinking"); excited about administrative law from his background of battling city hall; and anxious for the fresh ideas from student input. Although

benefiting from confidence and experience, Goldberg lays claim to no particular form of wisdom. "Even if I had it," he says, "the Supreme Court would probably reverse me 6 to 3."

Students will find Professor Goldberg and an open door in Room 326.

**Phebe S. Haugen (Criminal Law Clinic)**  
Phebe (Scottish spelling) Haugen, a 1972 Mitchell graduate, now heads the Criminal Law Clinic position formerly held by Supreme Court appointee Rosalie Wahl.

Professor Haugen is enthusiastic about her new job and eager to share with students her love for the court room.

She has worked since 1972 in the Hennepin County Attorney's Office where she handled felony problems and prepared appellate briefs for the Minnesota Supreme Court. As a student, she worked with Legal Assistance of Ramsey County (LARC) and interned as a public defender with the Hennepin County Attorney's Office.

"... the art of law should aim at the whole client."

Since she has prosecuted and defended, she brings a sense of perspective to the criminal process. Haugen does not side with cynics who believe that the criminal justice system is so corrupt or cumbersome that justice is impossible. The question, Haugen says, is not "does the system work? but rather 'what can I do as an individual to make it work?'"

Haugen's methodology will vary. She suggests that there is a time for active participation and a time for going home and memorizing rules of procedure. Haugen expects students to be able to do both.

Haugen believes that the kind of lawyer you are is an extension of the kind of person you are. She stresses that legal education should aim at the whole student, just as the art of law should aim at the whole client.

Professor Haugen notices that the larger building here facilitates communication. When she attended Mitchell at the old site across from St. Thomas, students tended to go to classes and then go right home. Now she senses more opportunities for formal and informal

sharing.

Professor Haugen's passion for the court room and her willingness to dedicate herself to student needs in the Criminal Law Clinic are welcome assets. Her office is in Room 121 of the Law Clinic (northeast corner of the building).

**John David Prince (Environmental Law Chair and Continuing Legal Education)**

David Prince holds the newly endowed Northwest Area Foundation Chair in Environmental Law. William Mitchell received a grant to establish a chair for developing an intensive curriculum in environmental law and for becoming a central focus for environmental research in Minnesota and the Upper Midwest.

Professor Prince has worked for three years as the Special Assistant Attorney General to the State of Minnesota assigned to the Department of Natural Resources.

Prince's experience has taught him that mastery of the ability to handle administrative agencies is critical in environmental law. It is difficult, he says, not to get involved with one agency or another. It is therefore important for the environmental lawyer to master agency regulations before counselling economists and urban planners.

Currently, environmental decisions are being fought out in the courts. "That's better than going out in the street with guns," says Prince, "but just barely." As a corrective to the environmental approach that waits for decisions via litigation, Prince wants to design a course of an interdisciplinary nature which would involve law students, consultants, planners and economists. The details have yet to be straightened out, but Prince hopes that such a course could be offered next year — perhaps in cooperation with one of the local colleges.

In addition to environmental concerns, Prince taught commercial law, constitutional law and torts at Victoria University in Wellington, New Zealand, from 1973 to 1976. Teaching constitutional law in a common law country forced him to re-think old patterns. He found invaluable the chance to contrast the government of New Zealand and the government of the U.S., "what I had been blinded to accept as the perfect system."

Professor Prince's office is in Room 100 of the Legal Education Center, 40 N. Milton.

**Christine Dawn Ver Ploeg (Torts, Legal Process, Evidence and Moot Court)**

Professor Ver Ploeg had her eye on a teaching career when she obtained her J.D. in 1974 from the Drake University Law School in Des Moines, Iowa. But first she wanted a dose of practical experience.

She became a trial attorney in the Civil Rights Division of the U.S. Department of Justice. Ironically, Ver Ploeg arrived in Washington "the same week Nixon left." Although the Justice Department was in turmoil, she found the Civil Rights Division was a maverick within the Department. Slowly the lid placed upon the Civil Rights Division by the Nixon Administration began to lift, and Ver Ploeg saw slow movement back toward the civil rights ideals of the late sixties.

"... legal education should aim at the whole student."

While Ver Ploeg worked for the Justice Department, she studied labor law at night at Georgetown University Law Center. She received her LL.M. from Georgetown this year, and she understands what it is like to work and go to school.

She received a leave of absence from the Justice Department to work as a prosecutor for the District of Columbia District Attorney's Office. This experience in criminal law, her experience in civil rights litigation and labor law studies form what Ver Ploeg hopes is a good background of practical experience that will aid her in the classroom.

Ver Ploeg chose Mitchell because he and her husband like the Twin Cities and because she enjoyed her contacts with faculty and students when she accepted Dean Burton's invitation to visit Mitchell last winter. She first heard of the school when she met "quality" Mitchell alumni in Iowa.

Ver Ploeg will assist this semester with the senior Moot Court program and will be a Moot Court coach along with professors Goldberg and Steenson. Since this year's Moot Court problem involves labor law, Professor Ver Ploeg is especially anxious to be of help. Professor Ver Ploeg's tasteful office is in Room 128.



# National Lawyers Guild

## Local chapter an alternative to ABA

### The National Organization

The National Lawyers Guild has a long and rich history which reflects the development of the movement for social, economic and political change in the U.S. Founded in 1937 as a multi-racial and progressive alternative to the ABA, the Guild's resources at that time went primarily into the legal support of the labor movement.

Current projects and programmatic work are carried out under the auspices of local chapter committees. These include: the Labor Committee, the Committee on Native American Struggles (CONAS), the Community Defense Committee, the Newsletter Committee, and the Law Student Organizing Committee (LSOC).

Today, with over 5500 members, the Guild sponsors a national program which includes: the Puerto Rico Project, the Labor Project, National Immigration Project, Police Crimes Task Force, Women's Labor Project, and many more.

### The Local Chapter

The Twin Cities Chapter is over 4 years old and has grown to over 100 lawyers, legal workers and law students.

The chapter was organized in late 1972 by members of a small Minneapolis law firm. Its first activity was hosting a seminar by members of the Grand Jury

Defense Office, a national project of the Guild which fought the Nixon Administration use of federal grand juries to harass the movement.

The chapter quickly established a newsletter and its first project, the People's Law School, which taught free community legal classes on such subjects as tenant's rights and street rights (basic criminal law). The classes were taught by lawyers from legal aid and public defender offices.

In February of 1973, the Oglala Sioux occupied their land at Wounded Knee. From the beginning many chapter members were involved in legal support work in South Dakota, and the chapter had held its first fundraiser for this work while the occupation was in progress. Many Guild members worked on Wounded Knee cases in South Dakota, Iowa, and especially in St. Paul, where Dennis Banks and Russell Means had the charges dismissed after a seven month trial. A committee of the chapter sponsored seven fundraisers and organized legal research teams to support the defense effort.

The chapter stepped into the national spotlight of the organization when it hosted the 34th Convention of the Guild in August of 1974. About one thousand Guild members from all over the nation attended the five day meeting, which was held at the University of Minnesota.

In late 1974, the chapter opened an office, which is now located at 2953

Bloomington Ave S in Minneapolis, and hired a part-time staff person to coordinate chapter activities. A number of good people have served in this role, which is now being filled by Barb Johnson, second year Hamline student. The chapter holds regular meetings, and interim decisions are made by an elected six-person steering committee, which meets the first and third Wednesday of each month at the chapter office.

One local project just getting underway that will require a high level of student participation over the coming months concerns the case, *Bakke v. Regents of the University of California*, 18 Cal. 3d 34, 132 Cal. Rptr. 680, 553 P. 2d 1152 (1976). Bakke's charge of "reverse discrimination" poses a severe threat to the future of all kinds of affirmative action programs implemented to

provide minorities and women the effective access to education and employment opportunities which they have been historically denied. Anyone interested in learning more about and organizing around the issues surrounding the Bakke case, should contact the local Guild office: 721-3938. Keep trying!

The Twin Cities Guild is sponsoring a beer and pot-luck dessert gathering for people from both Wm. Mitchell and Hamline law schools who are interested in learning more about the Guild. This will be held on Friday evening, September 9, at 687 Portland Ave., St. Paul at 8:30 p.m. Please come and meet with fellow law students, legal workers and lawyers!

In addition, feel welcome to attend our next chapter meeting, scheduled for Sunday evening, September 11, at 8:30 p.m. at 2621 Portland Ave. S., Mpls.



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# Tort System Faces Crisis

## Will compensation ideal replace fault?

by Helen Dovolis

The National Institute on Tort Liability was held in Minneapolis on June 3-5, 1977. At the outset, the conference recognized the existence of a "crisis" in the tort liability system. It was pointed out that the insurance system cannot continue to indemnify a multitude of claims without endangering the stability of the economic system. Society cannot continue to pay sky-rocketing insurance costs. As a result, many at the Conference called for an overhaul of the tort system.

T. Richard Kennedy, of Cabell, Kennedy, Hammer and French, New York City, noted that the crisis in the tort system encompasses the means of compensating those wronged, the increasing difficulty of obtaining insurance, the insurance companies' inability to evaluate risks and the astronomical number of lawsuits and damages.

The conference considered many of the aspects of the tort system including the law, the adversary system, the use of the jury, the insurance system, the damages aspect, and the individualization of tort law.

Throughout the balance of the conference an array of legal scholars, law professors and noted experts gave their impressions of the problems and inadequacies of the tort and insurance

systems and their strategy for solving them.

John W. Wade, Professor of Law and former Dean of Vanderbilt University School of Law, spoke on the beginnings and evolution of tort liability. He perceived the major problem in the tort system as centering around a reconciliation of the conflicting concerns of uniformity and individualization in resolving tort cases. (By "individualization," Prof. Wade meant that different facts be treated separately.) According to Wade, there remains a key question yet to be resolved, "Should tort law be an assembly-line process or a tailor-made process?"

John Griffith, Queen's Counsel, London England, stressed the differences between the English and the American legal systems. He emphasized that juries may not be the best means of deciding tort cases. He pointed out that it is often difficult for juries to assess damages, maintain uniformity and predictability of awards and promote fairness between plaintiffs. Griffith noted that in the English system personal injury civil actions are not tried before a jury unless there is a "compelling reason."

Marshall S. Shapo, Professor, University of Virginia Law School, suggested that damages for pain and suffering should have an organic, physiological basis. According to Shapo,

they should have a "definite measure" to prevent excessive jury verdicts.

Richard Epstein, Professor, University of Chicago Law School, confined his remarks to a discussion of expanding liability and damage concepts. Epstein recognized that, "Products liability probably more than any other segment of tort law has been undergoing dramatic change . . . . Developments in the case law are taking place at a breathtaking rate."

Epstein dealt with two issues in the field of products liability, both of "great significance." The first one involved the question of proof of defect in products cases. In this area, Epstein noted that the hard question is "What is the measure of protection to which the defendant is entitled?" He proposed changes in the tort law which might afford the defendant more protection.

### **"Those three musketeers - malpractice, products, motor vehicles - . . .**

Epstein's second issue involved the use of affirmative defenses to products liability actions based upon the plaintiff's conduct such as contributory negligence or assumption of the risk. In this area, Epstein could see "no good reason why the doctrine of contributory negligence, if part of the general law of tort, should not be applied in product's liability cases as well."

Walter H. Beckham Jr., Professor, University of Miami School of Law, Miami, Florida, was chiefly concerned with preserving individual rights and responsibilities in the tort system. Beckham, addressing the crowd with the grand style of a southern politician, emphatically suggested that "the remedies should be addressed to the causes of the problem and not to a reduction in our basic rights." Beckham continued, "The time has come for a national crusade to reduce accidents, to take away driving privileges from those unfit to drive, to combat inflation, to require vehicles to be more crash-worthy, to quit tolerating fraud however and wherever it may exist, and to re-establish morality and the golden rule in our society, and in our professions."

The Hon. Edward Thompson, Deputy Administrative Judge, City of New York, surveyed the handling of compensation claims for personal injury in our courts. Judge Thompson observed, "Those three musketeers — malpractice, products, motor vehicles — have made us liable no end and to these we must face up. As they create problems for insurers, they have created serious problems for the Court." He continued, "It is an oversimplification to say that tort reform requires removal from the court processes."

Judge Thompson's key message was that our basic need is teamwork. "The full co-operation of the bench, Bar and insurance carriers is absolutely indispensable for any plan of successful court administration and calendar control," stated Judge Thompson.

Thomas S. Chittenden, Executive Director, ABA Commission on Medical Professional Liability, New York City, discussed medical malpractice claims. Chittenden expressed that "the overall goal of the commission is to identify the

underlying reasons for the high cost and threatened nonavailability of medical liability insurance in many states and to recommend fair and practical solutions."

According to Chittenden, during the past year, the Commission explored a number of alternative compensation proposals. Chittenden stated, "Although the Commission has not finally endorsed any alternative, it has concluded that the 'DCE' proposal, which was first advanced by Professor Clark Havighurst and Dr. Laurence Tancredi, and which would pre-define compensable outcomes by reference to established criteria, is the most promising of those examined."

Chittenden continued, "The basis of the DCE approach is the assumption that for most medical treatments or procedures it is possible to select out from the known, significant adverse outcomes those which are usually avoidable under good quality medical care . . . . The DCE approach would, in effect, expand on the "res ipsa" doctrine by supporting an automatic payment of compensation (or at a minimum a presumption of compensability) whenever a representative group of clinicians rather than lay persons has determined that an injury is probably avoidable by the adherence to acceptable medical practice."

Representing the view of the insurance companies was Donald E. Reuterschan, President of Sentry Insurance Company. His remarks were concerned with funding the tort system through the insurance mechanism. Reuterschan's principal message to the conference was that "given a reasonable opportunity and reasonable operating conditions, the insurance industry will cope with both the availability issue and the affordability issue, provided it is not subjected to undue interference with its pricing activity."

As the close of the conference drew near, it became apparent that a majority of the speakers were concerned with making incremental changes in the existing tort liability system rather than advocating an entirely new compensation system. Prof. John W. Wade commented that he "couldn't find anybody who wanted to eradicate the tort system. Everyone had thoughts on how it might be improved." Prof. Wade added, "This is an area in which there are a lot of changes going on and in which there will be further changes." In the words of Prof. Walter H. Beckham Jr., "It is always time for a change in the tort system, but not time for the tort system to be disregarded."

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## Como Bombers Sweep Again

Softball participation breaks summer doldrums

The William Mitchell Softball League ended on August 9th with the defending champion Como Bombers retaining their softball title by defeating Lurum, Cheetum and Runn (LCR) 16 to 13 in the championship game. Only a week before the Bombers had narrowly averted elimination in the semi-finals as they edged Stones Throw 2 to 1 in a game featuring nearly flawless execution.

The championship game was marred by numerous fielding errors. However, the Bombers, utilizing a variety of outfield formations to stabilize their defense, broke a 11 to 11 tie with a five run outburst in the fifth inning. With two out in the Bomber fifth, the defending champs scored five runs, several aided by LCR misplays. Although LCR got back two runs in the sixth the Bombers managed to make their lead hold up.

This, the fourth season of softball at



Sports Editor Ken Davis umpires as Kathy Weber bats.

Mitchell, began on May 23 with 18 teams and over 260 players. This is an increase of 7 teams and over 100 players from the 1976 season. With the increase in participation came several problems that will have to be solved before next season. The first of these is the shortage of playing fields. Consideration must be given to limiting the number of teams or increasing the number of dates on which games are held. Another suggestion is that printed rules and schedules be distributed before the season to minimize confusion.

Some encouraging aspects were the

increase in participation by women and faculty members. Although each team is required to have two women on the field at all times, this rule was rarely adhered to last year. This year most teams followed the rule with some teams fielding as many as four women. Faculty participation also increased as one team fielded a shortstop-third base combination that vaguely resembled Smalley and Cabbage.

Congratulations to the Como Bombers, but hopefully next year, bolstered by the free agent draft, some new contenders will emerge.

## Golfers Vie for WMCL Trophy

The fourth annual William Mitchell golf tournament was held on Monday, June 13 at Stillwater Country Club. The golf course and clubhouse facilities were made available to us through the generosity of Bill Goyer, a member of the club and an alumnus of William Mitchell. Hopefully next year we will get a chance to improve our scores of this year by playing the course again.

The best score of the day was turned in by Pete Houghton who shot a 74 to capture the trophy. Pete's margin of victory was narrow as Steve Sondrall had a 75 and the Honorable Judge Patrick Fitzgerald carded a 76. Defending champion Chris Sitzmann, trying to make it three in a row could only manage a 77. The winner of the low net prize, using the Calloway handicap system was Bernie Johnson. The low gross trophy, a beautiful silver and walnut memorial, was donated to the tournament by the SBA at a cost of \$200.00. It will be inscribed with Pete Houghton's name and placed in the trophy case at William Mitchell. That is, whenever the trophy case is installed.

The trophy was certainly not the only prize of the day. Every golfer received a golf ball and a key chain before the tournament began. Approximately 80 additional prizes were distributed, many in the form of door prizes. Seven of the eight persons at my table won some type of prize, ranging from carving knives and Coleman coolers to bottles of top name liquors. Everyone remaining for the dinner and prizes appeared to be having a good time, despite some jokes by Dean Marvin Green.

The only discouraging aspects of the afternoon were the small number of students (12) and the smaller number of women (1) who participated. Marcy Wallace, a trustee, was the only representative of her sex to muster the courage to play. Next year will surely show both these groups participating in greater numbers.

Thanks again to Bill Goyer, Chris Sitzmann, who again organized the tournament, and the weatherman for making June 13 a pleasant afternoon.

## Athletes Need Attorneys Too

Sports lawyer addresses ABA

The Law Student Division sponsored a presentation by Robert Woolf, a noted sports attorney, at their annual meeting in Chicago last August. Mr. Woolf stated that he represents more than 300 athletes and has drawn more than 1000 contracts for various sports figures. He represents people in baseball, football, hockey, basketball and other sports. His clientele include the likes of Julius Erving, John Havlicek and Carl Yastremski.

According to Mr. Woolf, owners of professional teams will go to no limits in negotiating for a "superstar." He cited as an example the case of Derek Sanderson, one of his past clients. During the early days of the World Hockey Association (WHA), the owners, acting jointly, decided to try and persuade Derek Sanderson to jump from the National Hockey League (NHL) to their league. Their rationale was that if Derek would jump, so too would other glamorous superstars. The owners asked Derek what it would take to get him to jump leagues. Derek, being the eccentric, egotistical individual that he is, said that he wanted to be the highest paid athlete in the world. The owners, without hesitation, obliged with a \$2.5 million dollar contract. One week later the WHA team he was playing for came to the realization that Derek and the team had a fatal personality clash and the team released him for a cool million. Not bad for a week's work!

Mr. Woolf acknowledged that the huge salaries being paid to athletes will eventually peak out. However, he adds that it won't happen until fans refuse to pay the ballooning admission prices

needed to finance the highly paid athletes.

An interesting fact was that the sports attorney, per se, is a recent addition to the legal profession. Mr. Woolf stated that five years ago 90 percent of all athletes were not represented by legal counsel. Today 80 percent of athletes are represented.

A question was asked of Mr. Woolf as to what type of fee an attorney charges an athlete. The answer was variable. Attorneys may charge a percentage of the contract price agreed upon, a flat fee, or an hourly rate with a maximum limit. Mr. Woolf prefers this latter method.

In conclusion, it was stressed that

professional sports will continue to have problems, as long as owners are not seriously dedicated to the advancement of this sport but rather to their own eccentric "head-game," in which they grant outrageous salaries at the expense of the good of the sport.

This is illustrated in a statement made by P.K. Wrigley to the effect that he could merge his chewing gum company with another company and get a three inch column on page ten of the Chicago Tribune. However, if he traded Billy Williams of his Chicago Cubs baseball team, it would make headlines. It just goes to show that people will pay anything for notoriety.

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## Sports Briefs

Congratulations to Bob Gjorvad who has assumed the role of intramural sports director which was vacated upon the graduation of Louis Tilton. Anyone needing information on sports can contact Bob at 224-9930.

Intramural FOOTBALL play is scheduled to begin on Saturday, September 10th. All William Mitchell students, staff, spouses, and alumni are eligible to play. Games will be played on Saturday mornings at a site to be announced later. Teams and individuals may sign up during the first three weeks of school on the lists posted near the used bookstore. Referees are also needed to officiate these games and anyone with a basic knowledge of the game is invited to volunteer.

VOLLEYBALL. Standards have been ordered and it is possible that a volleyball league will soon be organized. Games will be played, weather permitting, on the front lawn of the campus. The dates, times, and format of the league have not yet been determined.



# IN GOOD TASTE

by Jim Haigh

## Great Expectations

St. Paul has suffered from a dearth of good restaurants in the WMCL area. That has changed in the past few years with MacCafferty's opening on Grand Ave., W.A. Frost over on Selby, a new Brothers Deli down in Highland, and Mama Rosa's on Snelling. (We do not want to omit the Phoenix near Macalester nor the Caravan Serai in Highland, or the Willow Gate on South Cleveland, but these are generally too exotic and expensive for everyday dining.) And now there is a newer restaurant with an even more reasonable menu offering sandwiches, omelettes, super fountain creations and a good cup of coffee. The Great Expectations restaurant on Selby between Snelling and Fairview, opened last spring to generally rave reviews. Incidentally, the place is not patterned after Dickens. The story, apocryphal I'm sure, is that when the proprietors told the banker what they expected to make this year, he responded with "Great Expectations!" Sounds good, anyway.

This menu features sandwiches of the

ilk "Longshoreperson" or "Cattleterson," with fries and cole slaw. Sandwiches a la carte are brought with grapes and an orange slice as garnish. This nice touch satisfies one's desire for something sweet with which to finish a meal. But if you do not feel that that's enough, you can order one of their hearty sundaes, malts or sodas. And if you are still hungry after one of those, rank yourself among one of the world's greatest gluttons.

Omelettes are served open faced. The cook still hasn't acquired the knack of cooking them properly, however. They tend to be rubbery and overcooked. Although they are featured prominently on the menu, they are not recommended for a first time visit.

The restaurant is small, seating around forty patrons at the most. And on those hot, muggy days last July, the air conditioner barely kept the air moving. We heard that this problem was due to be remedied by the landlord. But with the cooler weather, who knows? Be forewarned that the spot verges on the claustrophobic and in that sense is old fashioned. The decor is reminiscent of an old time soda fountain without the stools at the bar. The wall paper is

properly Victorian and the wall behind the soda bar is lined with utensils for preparing fountain concoctions. The one jarring note is the jukebox in the corner which plays good tunes too loudly.

Several features make this place one we recommend as a good place to eat regularly. It is open at hours that are easy to remember — 11 to 11, seven days a week. The coffee is good, even though the help seems a little reluctant to refill your cup. The service is adequate, not fast, and can be slow if there is a crowd. The help is friendly and nonchalant — after several hours of school the last thing one needs is a bustling, efficient waiter or waitress! Also, it's a neighborhood place, the people all seem friendly and we think it deserves your support. If you need any more reasons to eat there and are too busy a law student to treat yourself to a meal without doing something else at the same time, there is a coin-operated laundromat across the street and a co-op next door for your groceries.

We suggest you try this place for its solid good food and distinct lack of any pretense. The prices won't slaughter your budget and you'll feel better after having devoured a hot fudge sundae.



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also solicit your contributions in the form of news articles, editorials, letters to the editor or legal analyses.

We are looking for the fresh perspective that the newer members of the student body can bring to the OPINION. Your contribution can be regular or sporadic. We have style manuals available in the office for the reference

of all would-be writers, and all editors will be glad to lend whatever assistance they are able to give to the potential writer.

If you want to be part of the OPINION staff or just want to help out occasionally, stop in and see us (Room 316) or slip your name and number under the door.

In an unprecedented two year sweep Prof. Bernard Becker has again won the coveted Bernie Award. Yes, the Bernie Award, established in 1976 to honor the person who most often fails to follow the simplest of rules. This year the '76-'77 chairman of the Faculty Appeals Committee snaps it up with his lackadaisical grading process.

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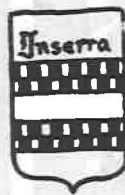
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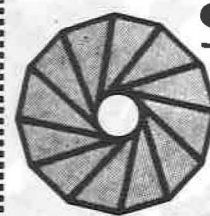
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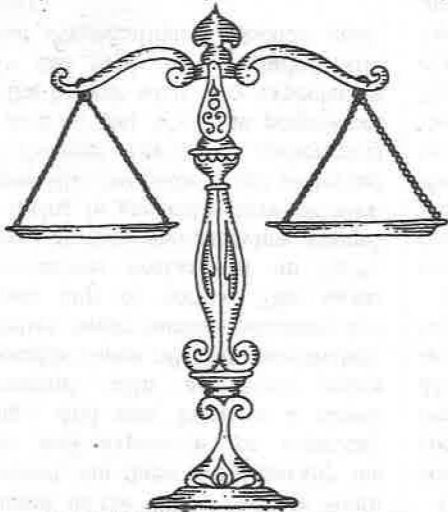
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Mergers & Acquisitions  
Divorce Settlements  
Conflicts of Interest  
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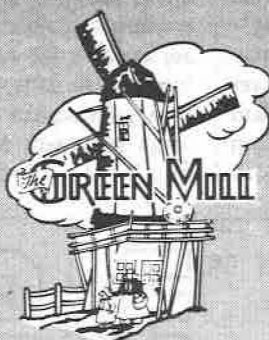
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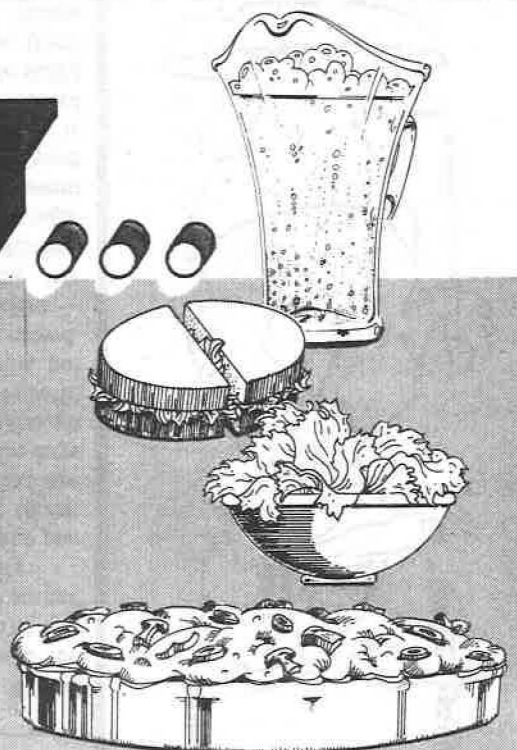
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# Greens...



- Deep Pan Pizza
- Regular Pizza
- Restaurant Reviews
- Sandwiches
- Salads
- Take out menu
- Lack of humility
- Chili
- Cones
- Soups



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